

## FEDERAL RULES OF APPELLATE PROCEDURE

**Rule 45. Clerk's Duties****(a) General Provisions.**

- (1) **Qualifications.** The circuit clerk must take the oath and post any bond required by law. Neither the clerk nor any deputy clerk may practice as an attorney or counselor in any court while in office.
- (2) **When Court Is Open.** The court of appeals is always open for filing any paper, issuing and returning process, making a motion, and entering an order. The clerk's office with the clerk or a deputy in attendance must be open during business hours on all days except Saturdays, Sundays, and legal holidays. A court may provide by local rule or by order that the clerk's office be open for specified hours on Saturdays or on legal holidays other than New Year's Day, Martin Luther King, Jr.'s Birthday, Presidents' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas Day.

**(b) Records.**

- (1) **The Docket.** The circuit clerk must maintain a docket and an index of all docketed cases in the manner prescribed by the Director of the Administrative Office of the United States Courts. The clerk must record all papers filed with the clerk and all process, orders, and judgments.
  - (2) **Calendar.** Under the court's direction, the clerk must prepare a calendar of cases awaiting argument. In placing cases on the calendar for argument, the clerk must give preference to appeals in criminal cases and to other proceedings and appeals entitled to preference by law.
  - (3) **Other Records.** The clerk must keep other books and records required by the Director of the Administrative Office of the United States Courts, with the approval of the Judicial Conference of the United States, or by the court.
- (c) Notice of an Order or Judgment.** Upon the entry of an order or judgment, the circuit clerk must immediately serve by mail a notice of entry on each party to the proceeding, with a copy of any opinion, and must note the mailing on the docket. Service on a party represented by counsel must be made on counsel.
- (d) Custody of Records and Papers.** The circuit clerk has custody of the court's records and papers. Unless the court orders or instructs otherwise, the clerk must not permit an original record or paper to be taken from the clerk's office. Upon disposition of the case, original papers constituting the record on appeal or review

## FEDERAL CIRCUIT RULE

**Rule 45. Clerk's Duties**

- (a) Dismissal by Clerk; Reconsideration.** The clerk may dismiss an appeal for a failure to follow the Federal Rules of Appellate Procedure or these Federal Circuit Rules. A party may move that the court reconsider such dismissal. A motion for reconsideration must:
- (1) be filed within 14 days after receiving the order of dismissal;
  - (2) be in the form prescribed by Federal Rule of Appellate Procedure 27 and Federal Circuit Rule 27; and
  - (3) not exceed 5 pages.
- (b) Informal Motion for Reconsideration.** A pro se party may file an original and 3 copies of an informal motion, which may be in the form of a letter, for reconsideration of the dismissal. The informal motion must not exceed 5 typewritten double-spaced pages. A copy of the dismissal order must be attached to the original and each copy of the informal motion.
- (c) Authority to Enter Orders.** The clerk may enter an order "For the Court" only when authorized by these rules or at the direction of a judge or the court.
- (d) Communication with the Court.** All correspondence and telephone calls about cases and motions and all press inquiries must be directed to the clerk.

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must be returned to the court or agency from which they were received. The clerk must preserve a copy of any brief, appendix, or other paper that has been filed.

**Rule 46. Attorneys****(a) Admission to the Bar.**

- (1) **Eligibility.** An attorney is eligible for admission to the bar of a court of appeals if that attorney is of good moral and professional character and is admitted to practice before the Supreme Court of the United States, the highest court of a state, another United States court of appeals, or a United States district court (including the district courts for Guam, the Northern Mariana Islands, and the Virgin Islands).
- (2) **Application.** An applicant must file an application for admission, on a form approved by the court that contains the applicant's personal statement showing eligibility for membership. The applicant must subscribe to the following oath or affirmation:

“I, \_\_\_\_\_, do solemnly swear [or affirm] that I will conduct myself as an attorney and counselor of this court, uprightly and according to law; and that I will support the Constitution of the United States.”

- (3) **Admission Procedures.** On written or oral motion of a member of the court's bar, the court will act on the application. An applicant may be admitted by oral motion in open court. But, unless the court orders otherwise, an applicant need not appear before the court to be admitted. Upon admission, an applicant must pay the clerk the fee prescribed by local rule or court order.

**(b) Suspension or Disbarment.**

- (1) **Standard.** A member of the court's bar is subject to suspension or disbarment by the court if the member:
  - (A) has been suspended or disbarred from practice in any other court; or
  - (B) is guilty of conduct unbecoming a member of the court's bar.
- (2) **Procedure.** The member must be given an opportunity to show good cause, within the time prescribed by the court, why the member should not be suspended or disbarred.

## FEDERAL CIRCUIT RULE

**Rule 46. Attorneys**

**(a) Eligibility.** An attorney is eligible for admission to the bar of this court if that attorney is of good moral and professional character and is admitted to practice before and of good standing in:

- (1) any of the courts listed in Federal Rule of Appellate Procedure 46(a);
- (2) the United States Court of International Trade;
- (3) the United States Court of Federal Claims;
- (4) the United States Court of Appeals for Veterans Claims; or
- (5) the District of Columbia Court of Appeals.

**(b) Procedure for Admission.**

- (1) **Motion in Open Court.** An attorney may be admitted to the bar in open court by appearing personally with a sponsor who is a member of the bar of this court and who states the applicant's qualifications and moves the admission. Motions for admission to the bar will be entertained at the opening of each session of court.
- (2) **Written Motion by Member of the Court's Bar.** An attorney may be admitted on written motion of a member of the bar of the court who states the applicant's qualifications.
- (3) **Written Motion by Attorney.** An attorney may be admitted on that attorney's own motion, accompanied by a certificate of good standing from a court listed in Federal Rule of Appellate Procedure 46(a) or Federal Circuit Rule 46(a). The certificate must be dated within 30 days of the motion for admission and must bear the seal of the issuing court. A written motion for admission must be submitted on a form approved by this court. The clerk will furnish the form.
- (4) **Oath.** Each attorney admitted to the bar of this court must take an oath prescribed by the court.

**(c) Admission Fee.** The fee for admission to the bar of the court is \$25, payable to the clerk, for which the applicant will receive a certificate of admission. For a duplicate certificate, the fee is \$10. The clerk as custodian will deposit the fee in a special account designated by the court.